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May 11 7 1803 of the Health
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AN ACT
FOR ESTABLISHING AN
HEALTH OFFICE,

AND TO SECURE THE CITY AND PORT OF PHILADELPHIA FROM THE INTRODUCTION OF PESTILENTIAL AND CONTAGIOUS DISEASES.

PASSED THE FIRST DAY OF APRIL, 1803.



PUBLISHED BY AUTHORITY.

Philadelphia:

PRINTED BY WILLIAM DUANE, NO. 106, MARKET
STREET.

1803.

AN ACT

FOR ESTABLISHING AN

Health Office,

AND TO SECURE THE CITY AND PORT OF PHILADELPHIA
FROM THE INTRODUCTION OF PESTILENTIAL AND CON-
TAGIOUS DISEASES;

Passed April 1, 1803.

Sect. 1. *Be it enacted by the Senate and House of Representatives of the commonwealth of Pennsylvania, in General Assembly met, and it is hereby enacted by the authority of the same,* That a board of health shall be established in the manner herein after directed, which shall be and hereby is erected into a body corporate, in deed and in law, by the name, style, and title of "*The Board of Health,*" who shall have perpetual succession, and enjoy all and every the rights, liberties, and privileges, powers, authorities, and immunities incident or belonging to a corporation or body politic, and shall moreover have and exercise the powers and authorities herein after mentioned, *that is to say:* The governor of this commonwealth shall, on or before the first day of May next, commission and appoint five persons, three of whom shall be resident in the city of Philadelphia, one in the Northern Liberties, and one in the district of Southwark and township of Moyamensing, who shall compose the said board of health, and shall continue in office one year next ensuing the date of their appointment;

Board es-
tablished

A body
corporate

To con-
sist of five
members.

For one
year.

but not more than two of the said board shall be
 Salary 400 physicians: They shall receive four hundred dol-
 dollars. lars each per annum, as a compensation for their
 services; and in case of the death, sickness, resig-
 nation, refusal to serve, or removal from office, of
 all or any of them, their places shall be supplied by
 President other appointments: Out of their own body the
 board shall choose a president, who shall preside
 at the meetings of the board, and whose place shall
 be supplied in his absence by the appointment of a
 Secretary chairman for the time; a secretary, whose duty it
 shall be to keep fair minutes of all the proceedings,
 Treasurer rules, and regulations of the board; and a treasurer,
 who shall give bond with sureties, as is required
 of the county treasurer, who shall receive all mo-
 nies belonging to the corporation, and pay and dis-
 burse the same upon the order of the board, signed
 by the president, and attested by the secretary, who
 shall keep fair and just accounts of his receipts and
 expenditures, shall make extracts thereof whene-
 ver the board shall require the same, and shall once
 Accounts in every year, his accounts having been allowed
 by the board, publish the same in one or more
 newspapers of the city of Philadelphia: And the
 said board shall sit upon their own adjournment, as
 they shall find necessary, but shall meet at least
 Meetings once in every day between the first day of May and
 time of. the first day of November in every year; and also
 when the board shall be specially convened by or-
 der of the president or any two of the members;
 and at all meetings three members shall form a
 board to transact business, but a less number may
 adjourn: And the said board shall have, and
 hereby is vested with full power and authority to
 make general rules, orders, and regulations for
 the government and management of the Lazaretto,

Powers
 of the
 Board.

and the vessels, cargoes, and persons there detained or under quarantine, and of the health office, and public hospitals, and for the mode of visiting and examining vessels, persons, goods, and houses, and shall also have power to appoint such other officers and servants as from time to time shall be found necessary to perform the several duties required by this act and their future regulations: *Provided*, that such officer shall not hold any office of profit or trust under the United States; and to remove any of the officers or servants by them appointed, and to appoint others in their places, and to allow and pay the said officers and servants so appointed, such compensation for their respective service as the said board shall deem just and proper: And the governor is hereby authorized and required to appoint one physician, who shall reside at the Lazaretto, and shall be denominated the Lazaretto physician; and one physician who shall reside in the city of Philadelphia, and shall be denominated the Hospital physician; one health officer, and one quarantine master, all of whom shall be under the direction and control of the board of health, and may be removed from office by the governor, at the request of the majority of the members of the board of health: And the said Lazaretto physician shall be entitled to occupy the house hitherto occupied by the resident physician, and to have furnished him pasturage, provender, and stabling for one horse and one cow, and also to such vegetables as may be necessary to supply his table whilst residing at the lazaretto, from the garden there; and the quarantine master shall be entitled to occupy the house hitherto occupied by the quarantine master, and to have furnished him pasturage, provender, and stabling for

May appoint and remove officers.

Lazaretto physician

Hospital physician

Health officer. Quarantine master.

one horse and one cow, and also to such vegetables as may be necessary to supply his table whilst residing at the lazaretto, from the garden there.

Sect. 2. And be it further enacted by the authority aforesaid, That the health officer, on receiving from the captain or master of any ship or vessel arriving from a foreign port or place, the certificate as herein after directed to be furnished by the lazaretto physician, and quarantine master, or hospital physician, shall be entitled to receive from such captain or master, the sum of six dollars and no more, of which the lazaretto physician shall have three dollars, and the hospital physician, the quarantine master, and health officer, one dollar each, in full compensation for all services enjoined on them by this act.

Sect. 3. And be it further enacted by the authority aforesaid, That the building now called the lazaretto, and the ground therewith reserved and occupied, and all the property and estate of every kind whatsoever, now vested in the present board of health, shall become and be fully vested in the board of health constituted by this act, immediately and as soon as the same shall be organized for the uses and purposes for which the said board is instituted and established, and the same shall be fully and entirely under the direction and management of the said board: And the said board shall have power to erect such buildings on the lot or tract adjoining the lazaretto, as to them may seem necessary and proper for the accommodation of the seamen and passengers who may arrive at the lazaretto station in health, during such detention as may be enjoined by this act: *Provided,* that the cost of such buildings shall not exceed in the whole ten thousand dollars.

Sum payable by each vessel.

How appropriated.

Lazaretto under the Board.

May erect buildings.

Sect. 4. *And be it further enacted by the authority aforesaid,* That every ship or vessel coming from any foreign port or place, bound to the port of Philadelphia, between the first day of May and the first day of November in every year, shall come to anchor in the river Delaware, as near to the lazaretto as the draft of water and the weather will allow, before any part of the cargo or baggage be landed, or any person who came in such ship or vessel shall leave her, or any person be permitted to go on board, and shall submit to the examinations herein after directed; and if any master, commander, or pilot, shall leave his station before the said lazaretto, or if any master or commander shall permit or suffer any part of the cargo or baggage, or any person or persons arriving in such ship or vessel from any port beyond the limits of the United States, to be landed on either shore of the Delaware bay or river, or suffer any person except the pilot to come on board, before such examination be duly had and a certificate obtained as is herein after specified, the person or persons so permitting, and the person or persons so landing or going on board, unless imminent danger of the loss of the vessel or lives of the crew shall render assistance necessary, being thereof convicted upon indictment or prosecution under this act, by verdict, confession, or standing mute in any court having jurisdiction of the offence, shall pay a fine not exceeding five hundred dollars, to be recovered and appropriated as is herein after directed: When vessels shall be examined. Ann it shall be the duty of the lazaretto physician, Penalty for violating the law. and the quarantine master, so soon as any ship or vessel shall be anchored near the lazaretto, between sunrise and sunset, immediately, wind and weather permitting, to go on board the same, and Duty of officers at Lazaretto

May ad-
minister
oaths.

Certifi-
cate of
Health.

there thoroughly examine, in such form and manner as shall be prescribed by the board of health, the said ship or vessel, the crew, passengers, cargo, and baggage on board the same, and to demand answers under oath or affirmation, to be administered by either the said physician or quarantine master, who are severally hereby empowered to administer the same, to all such questions as shall be put to any person on board such ship or vessel, touching the health of the crew and passengers during the voyage, and the nature and state of the cargo, as the board of health by their rules shall from time to time direct to be asked: But it shall be the duty of the person so examining upon oath or affirmation, before he shall proceed therein, to make known to the person interrogated, the penalty imposed by this act upon the person who shall give false answers, under oath or affirmation, to the questions proposed in such examination: And if upon such examination, it shall appear to the said physician and quarantine master, that the said ship or vessel came from a port or place at which no malignant or contagious disease prevailed at the time of her departure, that the persons on board the same are free from every pestilential or contagious disease, the small pox and measles excepted, and that the said vessel has had no malignant disease on board, either during the homeward or outward bound voyage, or during her continuance in a foreign port, and they shall see no cause to suspect that the cargo or any part thereof is infected, they shall forthwith deliver to the master or captain of such ship or vessel, a certificate of the facts, in such form as shall be directed by the board of health, and the said captain or master may thereupon proceed according to his destination, and shall present

such certificate at the health office in Philadelphia, within twenty-four hours after his arrival and safely mooring there : But if it shall appear to the said physician and quarantine master upon such examination, that the ship or vessel came from a port or place, at which a malignant or contagious disease prevailed, the said ship or vessel shall be detained at the Lazaretto for the space of twenty days, and the letter-bag of the vessel when purified, and such letters as the master, commander, or passengers shall think proper to write to their owners, consignees or friends, shall be transmitted to the health officer in Philadelphia, who shall safely deposit the same in the post-office, and the vessel and cargo shall be thoroughly cleansed, and all cloathing and baggage shall be aired and purified, at the expence of the master, owners, or consignees of the vessel, and the goods respectively : *Provided always*, that wine, rum, salt, sugar, spirits, molasses, mahogany, manufactured tobacco, dye woods, preserved fruits, and such other articles as the board of health shall, by their general regulations, specify and permit, may be conveyed immediately to the city in lighters ; and at the expiration of such quarantine, if it shall appear to the said physician and quarantine master, that no person has been sick with a malignant or contagious disease, the small pox and measles excepted, on board said ship or vessel, either during the voyage outward or homeward, or during her continuance in a foreign port, nor any of the crew or passengers or other person from on board such vessel, during the performance of quarantine, and the said physician and quarantine master shall certify the said facts to the board of health, and that in their opinion, the vessel, crew, cargo, and passengers may be safely suffered to proceed

How to
be used.

In what
case qua-
rantine of
20 days.

Goods
excepted
from de-
tention.

In what
case ves-
sels may
proceed.

Further
detention
upon good
cause.

May pre-
vent ves-
sels pro-
ceeding
before
Novem-
ber.

to the city, the said captain or master may proceed with the same according to his destination, unless the board of health shall deem it necessary to cause a further detention of the said vessel or cargo, or of the crew or passengers, or of any baggage on board said vessel, in which case the same shall be detained until the board of health shall authorise the same to proceed and enter the city ; and upon the arrival of the said captain or master at Philadelphia, he shall present the said certificate of the physician and quarantine master at the health office within twenty-four hours after his arrival : But if upon examination of any vessel, by the said physician and quarantine master as aforesaid, or during the performance of quarantine by any vessel, it shall appear to the said physician and quarantine master, that there has been any person sick on board said vessel, with any malignant or contagious disease, either during the voyage outward or homeward, or during the continuance of the vessel in a foreign port, or during the performance of quarantine at the lazaretto, or that any person from on board such vessel has been affected with such disease, then in such case the vessel shall not be suffered to proceed to the city until after the first day of November next ensuing, and the cargo and baggage, except such part thereof as, in the opinion of the board of health, may be supposed incapable of retaining infection, which said part may be transported to the city in lighters, shall be unladen and thoroughly cleansed and purified, and the crew and passengers which were on board said vessel, and the cargo and baggage on board the same, or any part thereof, except as before excepted, shall not be suffered to enter the city before the first day of November then next ensuing, without the license

and permission of the board of health to that effect first had and obtained : *Provided nevertheless*, that such vessel or ship, after she shall have been thoroughly cleansed and purified, if no malignant disease appear on board, may be allowed to take in freight at the Lazaretto, by means of lighters and proceed to sea : And if any master or captain, or other person on board of any vessel which shall be examined agreeably to this law, shall not true answers make to all such questions as the said lazaretto physician and quarantine master, or the said health officer, or hospital physician, shall ask agreeably to this act, or the rules which shall from time to time be established by the board of health, or shall knowingly deceive or attempt to deceive the proper officers as aforesaid, in his answers to their official enquiries, he having been duly informed and apprised of the penalties imposed by this act upon the person so offending, previous to his said examination, by the person making such examination, such person, for each and every such offence, on being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred dollars, to be recovered and appropriated as is herein after provided and directed, and moreover shall be sentenced to imprisonment at hard labor, for any term not less than one year, and not exceeding five years : And if any captain or master of any ship or vessel, shall neglect to present his certificate at the health office, in any case in which he is herein before directed so to do, within the time directed by this act, he shall forfeit and pay the sum of three hundred dollars, to be recovered and appropriated as herein after directed : And if any captain or master of any ship or vessel, or any other person on board the same, shall refuse

Vessel
may pro-
ceed to
sea.

Refusal
to answer
or at-
tempt to
deceive,
punish-
ble.

Penalty.

Refusal
or neglect
of Laza-
retto re-
gulations
punisha-
ble.

or neglect to comply with the directions of the lazaretto physician, and quarantine master, which shall be made agreeably to this act or the regulations of the board of health, with respect to the detention of any ship or vessel, or the landing from on board the same, of any person or persons, or of any goods, merchandize, bedding, baggage, or cloathing, or shall refuse to carry the same into effect, such person, for each and every such offence, shall forfeit and pay a sum not exceeding five hundred dollars, nor less than two hundred dollars, to be recovered and appropriated as is herein after provided and directed.

Vessels
from
ports in
U. S. lia-
ble to de-
tention.

Sect. 5. *And be it further enacted by the authority aforesaid,* That any ship or vessel coming from any port or place within the United States, at which said port or place the said ship or vessel had only called in, or touched, upon her arrival from a foreign port or place, shall be liable and subject to all the rules, regulations, and restrictions of the preceding sections of this act, and shall be examined and treated as well the vessel itself as the cargo, crew, passengers, and baggage on board, in the same manner as if such ship or vessel had directly arrived at the lazaretto from a foreign port or place, without having first touched at a port or place within the United States: And all ships or

Vessels of
war may
be detain-
ed.

vessels, as well vessels of war as merchant vessels, coming from any port or place within the United States, and bound to the port of Philadelphia, between the first day of May and the first day of November in every year; and having on board any goods, or merchandize, the growth or produce of any foreign place or country, or any person or persons, bedding, or cloathing, from any foreign port or place, shall come to anchor opposite the said

lazaretto, and shall be examined by the lazaretto physician and quarantine master, and if the captain or master of any such ship or vessel shall produce such satisfactory proof as the board of health shall in that case direct to be required, that the said goods or merchandize shall have been landed in the United States more than thirty days, and are free from damage, & that the said vessel, bedding, cloathing, and persons, are free from the infection of any dangerous contagious disease whatever, then and in that case, the said physician and quarantine master shall give to the captain or master of such ship or vessel, a certificate of the facts, permitting such ship or vessel to proceed to the city, which certificate the said captain or master shall present at the health office in Philadelphia, within twenty-four hours after his arrival and safely mooring there: and if he should neglect so to do, being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is herein after directed and provided: And if the said captain or master shall fail to produce such satisfactory proof as aforesaid, of the wholesome state of the said vessel, goods, merchandize, bedding, cloathing, and persons, the said vessel, goods, merchandize, bedding, cloathing, and persons, shall be detained at the lazaretto, and shall be proceeded with in the same manner, and subject to the same orders and regulations as are herein before provided and directed in the case of vessels coming directly from a foreign port or place; and if the captain or master of any ship or vessel coming from any port or place within the United States, and bound to the port of Philadelphia, having on board any goods or merchandize, bedding, cloathing, or persons, as aforesaid, shall

Goods
landed 30
days, free
of quar-
antine.

Failure of
proof of
health—
vessel
may be
detained.

Vessels
from
ports of
U. S. ha-
ving fo-
reign
goods, li-
able to de-
tention.

Refusal, refuse or neglect to come to anchor opposite the lazaretto, and shall pass the same with intent to proceed to the city without examination by, and certificate obtained from the said physician and quarantine master as aforesaid, he shall on
 Penalty. conviction, forfeit and pay the sum of five hundred dollars, to be recovered and appropriated as is herein after provided and directed ; and the said vessel, goods, merchandize, bedding, cloathing, and persons, shall be sent back to the lazaretto, there to be proceeded with in such manner as the board of health, agreeably to this act, shall in that case devise and direct.

Vessels
 from the
 Mediter-
 ranean li-
 able.

May go
 to sea.

Sect. 6. *And be it further enacted by the authority aforesaid,* That every ship or vessel, coming from the Mediterranean, shall be subject to a strict examination, under similar regulations and penalties as are provided in the fourth section of this act, and if it appears that the said ship or vessel came from any place where the plague exists, or has spoken with any vessel, on board of which any person was affected with the plague, or if any person is affected with said disease, on his arrival at the Lazaretto, or has been affected during the voyage, the said vessel shall not be suffered to proceed to the city, the cargo and baggage shall be unladed and thoroughly cleansed and purified, and no part shall be suffered to enter the city, without the permission of the board of health first obtained, and the crew and passengers shall perform a quarantine of twenty days: *Provided nevertheless,* That such ship or vessel, after she shall have been thoroughly cleansed and purified, may be allowed to take in freight at the Lazaretto, by means of lighters and proceed to sea.

Sect. 7. *And be it further enacted by the authority aforesaid,* That any person or persons, and all goods, merchandize, bedding and cloathing, arriving at any port or place within the United States from any foreign port or place, at which any malignant or contagious disease, the small pox and measles excepted, prevailed at the time of their departure, or in any vessel in which any such disease existed while they were on board, the same are hereby prohibited from entering the city or county of Philadelphia, or the county of Delaware, except the township of Tinicum, at any time between the first day of May and the first day of November, in any year, either by land or water, without permission of the board of health first had and obtained, under the penalty of five hundred dollars for each and every offence, and the forfeiture of all such goods, merchandize, bedding or cloathing, to be recovered and appropriated as is hereinafter directed.

Persons arriving from foreign places infected, at other ports, shall not enter city.

Penalty.

Sect. 8. *And be it further enacted by the authority aforesaid,* That no Lazaretto physician, quarantine master, or other officer or servant of the said Lazaretto, shall absent himself from the place of his duty between the first day of May and the first day of November, on any pretence, for any time whatsoever, without leave first obtained, in writing, from the board of health, under the hand of the president or chairman for the time, attested by the secretary, and entered on the minutes, under the penalty of forfeiting his office and a fine of any sum not exceeding five hundred dollars.

Physician and officers not to be absent.

Penalty.

Sect. 9. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the Lazaretto physicians, immediately on the arrival of any ship or vessel liable to be detained at the La-

Lazaretto physician duty of

zaretto in order to be cleansed and purified as aforesaid, to cause the sick, if any on board, to be removed to the building which shall be appointed by the board of health for their reception, and diligently and impartially, with his best skill, attend upon and administer medical assistance to each and every sick person that shall be therein lodged, and generally superintend, and cause to be executed, such orders and regulations as the said board shall, from time to time, ordain for the government and management of the Lazaretto, and of the vessels, cargoes, and persons under quarantine.

Quarantine master, duty of.

Sect. 10. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the quarantine master, immediately after the arrival of, and examination as aforesaid, of any ship or vessel, liable to be detained at the Lazaretto for purification aforesaid, to direct and cause such ship or vessel to be properly moored, near the Lazaretto, at such distance from any other vessel or vessels under quarantine as may prevent the communication of any infectious disease to or from the same, and the cargo, bedding and cloathing, or any part thereof, contained in such ship or vessel, to be landed, cleansed and purified, under the direction of the Lazaretto physician, and it shall be the particular duty of the said quarantine master, to prevent any personal intercourse between the persons on board different vessels under quarantine, and for that purpose to take possession of and secure the boats of such vessels until their respective terms of quarantine shall be completed, to preserve and enforce order and obedience to this act, and all such orders and regulations as the board of health shall, from time to time ordain, for the government and management of the Lazaretto, and the persons, vessels and cargoes under quarantine.

Sect. 11. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the hospital physician, upon receiving information from the health officer or other person whomsoever, that any person or persons, on board of any ship or vessel in the port of Philadelphia, is or are afflicted or suspected to be afflicted with any pestilential or contagious disease, or that there is just cause to suspect the cargo or any part thereof contained in any such ship or vessel is infected with any such disease, the said physician in either of the foregoing cases, shall visit and carefully examine such ship or vessel, and if he shall discover any sick person or persons on board any such ship or vessel, he shall thereupon have, and exercise the authority, to direct such sick person or persons to be removed to the said Lazaretto, or to some other safe place, which may be specified by the board of health, and the said physician shall, without delay, report the state of said vessel, cargo, and crew, to the board of health, who shall direct and determine, how the crew, passengers, vessel and cargo, shall be disposed of and managed for the restoration of their health and purification, and on the arrival of any ship or vessel in the port of Philadelphia, from any foreign port or place, from the first day of November in any year, to the first day of May in the next succeeding year, it shall be the duty of the said physician, provided such ship or vessel shall not have been previously visited and examined by the physician resident at the Lazaretto, and quarantine master, and before any of the passengers, crew, cargo, or baggage, are landed, to visit and carefully examine such ship or vessel in manner and form as the said Lazaretto physician and quarantine master are bound to do, and to demand

Hospital
physician
—duty of

answers under oath or affirmation, to be administered by the said hospital physician, who is hereby empowered to administer the same, and if the crew, passengers, vessel and cargo, be in a healthy state, and if there shall be no ground to suspect that any of the crew or passengers have died in the voyage of any dangerous contagious disease whatever, or that the cargo, bedding, or clothing is infected, then, and in such case, the said physician shall give to the master or commander a certificate of the facts, which the said master or commander shall present at the health office within twenty-four hours after such examination, and if he shall neglect so to do, being thereof legally convicted under this act, he shall be sentenced to pay a fine of two hundred dollars, to be recovered and appropriated as is hereinafter provided and directed; and if, on examination, any suspicion shall arise in the mind of the said physician touching the health of the crew or passengers, or the infectious state of the vessel, cargo, bedding or clothing on board, no part thereof shall be landed, but the said physician shall immediately report the same to the board of health, who shall direct and determine what measures shall be pursued relative thereto, and the said physician, upon request of the health officer or the board of health, shall from time to time, visit and examine such houses and persons as the said board or the health officer shall have reason to suspect are infected with any dangerous contagious disease, and make report thereof to the said health officer.

Health
officer—
duty of.

Sect. 12. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the health officer at seasonable and proper hours on each day (Sunday excepted) to open and keep a

public office at such convenient place in the city of Philadelphia, as shall be directed by the board of health, whereat all masters or captains of ships or vessels, shall deliver the certificates or bills of health to them granted, by the Lazaretto physician and quarantine master, or hospital physician as aforesaid, and the board of health shall there assemble, and meet as often as they deem needful, for the purpose of executing the duties and trust of their appointment, and the said health officer shall file and preserve in good order, all the certificates or bills of health so delivered, and shall keep a register of the ships or vessels, and the names of the captains or masters, owners or consignees, for which the same were respectively granted, the port or ports from which the ship or vessel respectively sailed, or at which they touched during their respective voyages, and the number of persons on board thereof respectively at the time of their leaving their respective ports of departure, and also at the time of their arrival respectively at the port of Philadelphia; and the said health officer shall attend the health office at the meetings of the board of health, and at such other times as shall be requisite for discharging the duties of his appointment, and generally enforce and execute the regulations and instructions of the board of health; and it shall be the duty of the said health officer, to collect, recover, and receive all forfeitures and penalties imposed, and sums of money directed to be paid by this act.

Board shall meet at their office in Philadelphia, and keep a register.

Health officer to recover fines, &c.

Sect. 13. *And be it further enacted by the authority aforesaid,* That every diseased person, duly landed or sent to the Lazaretto by either of the aforesaid physicians, quarantine master, or the health officer, shall be there kept and maintained

Lazaretto — persons sick there how treated.

How dis-
charged.

Fugitives
from the
lazaretto
not to be
harbored.

Penalty.

untill the Lazaretto physician shall grant him or her a discharge in writing, and if before obtaining a discharge as aforesaid, any such person shall elope or otherwise absent himself or herself from the Lazaretto, it shall be lawful for the health officer or any constable, or other person whom he shall call to his assistance, and they are hereby enjoined and required to lend such assistance, to pursue and apprehend the person so escaping or absenting himself or herself from the Lazaretto, and there again deliver him or her, to be detained until he or she be duly discharged as aforesaid, and moreover the person so eloping or absenting himself or herself, shall for each and every offence, forfeit and pay the sum of one hundred dollars, or suffer such other punishment by confinement, not exceeding three months, as the board of health shall ordain and award ; and if any master or captain shall knowingly receive or employ on board of his ship or vessel, or if any house-keeper or other inhabitant of this commonwealth, shall knowingly receive, harbour, or in any way entertain any person so eloping or absenting from the Lazaretto, each and every master and captain, and each and every house-keeper or inhabitant so respectively offending, shall, on being thereof legally convicted, forfeit and pay a sum of two hundred dollars : And if any person arriving in, or belonging to any ship or vessel detained at the Lazaretto as aforesaid, shall elope or absent himself without having obtained a discharge signed by the Lazaretto physician and quarantine master, or if any person, other than those detained at the Lazaretto as aforesaid, shall go on board or along side of any ship or vessel whilst under quarantine as aforesaid, or if any person not authorised by the proper officer, shall go within the limits of the La-

zaretto, such person or persons shall perform such quarantine as the board of health may direct, the person so offending, upon legal conviction of such offence, shall forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as herein after directed: And if any diseased or other person landed and sent to the Lazaretto by any officer, having authority to do the same, or any person arriving in, or belonging to any ship or vessel detained at the Lazaretto as aforesaid, shall refuse or neglect to obey the directions of the Lazaretto physician or quarantine master respectively, agreeably to this act, and the orders and regulations by the board of health, which shall from time to time be ordained and established for the government and management of the Lazaretto, and the persons, vessels and cargoes under quarantine, the person so refusing or neglecting, shall for each and every offence, on being thereof legally convicted, forfeit and pay the sum of two hundred dollars, to be recovered and appropriated as is herein after directed.

Persons going into lazaretto perform quarantine.

Refusal or neglect of the laws of lazaretto punishable.

Sect. 14. *And be it further enacted by the authority aforesaid,* That when any vessel shall come up to the city of Philadelphia, or the shore of Southwark, or of the Northern Liberties in the river Delaware, although the said vessel may have obtained a certificate of health from the Lazaretto physician and quarantine master, or the hospital physician, if the said vessel shall appear to the board of health to be infected with any contagious disorder dangerous to the community, the said Board are hereby authorised to order the said vessel to the Lazaretto, there to undergo the necessary purification before she will be permitted to return to the city or shores aforesaid, and the said

Vessels coming up to city may be ordered back upon just cause.

Board are hereby authorized and empowered to remove any vessel or vessels from any part of the city or shores aforesaid, as shall be infected with such disorders as aforesaid, to such convenient distance as they may deem proper, although such vessels may not be infected.

City hos-
pital on
Schuyl-
kill con-
tinued.

Sect. 15. *And be it further enacted by the autho-
rity aforesaid,* That the messuages and lots com-
monly called the city hospital, situate on the north
side of Sassafras street and east side of the river
Schuylkill, shall continue to be held as a public
hospital for the township of the Northern Liberties
and Moyamensing, as well as for the city and dis-
trict of Southwark, until the board of health shall
procure and provide a more convenient public hos-
pital for the purpose aforesaid, and all persons,
other than persons on board of any ship or vessel,
and liable to be sent as aforesaid to the Lazaretto,
residing within the city of Philadelphia, the dis-
trict of Southwark, the townships of the Northern
Liberties and Moyamensing, who shall be afflicted
with any pestilential or contagious disease (the
small pox and measles excepted) may upon the ad-
vice and order of the hospital physician, or any
other physician or person authorized by the board
of health, to grant such order to be removed by the
health officer and such assistance as he shall for
that purpose employ, to the said public hospital, or
to such other place as the physician or board of
health shall approve, if the person afflicted with any
contagious or pestilential disease cannot be proper-
ly and sufficiently attended at home, there to be
lodged, nursed, and maintained, and kept until du-
ly discharged by a permit in writing, signed by a
physician of the said public hospital; *Provided al-
ways, nevertheless,* That each and every patient,

Inhabit-
ants of
Philada.
city, N.
Liberties,
South-
wark and
Moya-
mensing,
may be
received
there.

and his and her estate real and personal, shall be liable to pay, satisfy, and reimburse all the charges and expences on his or her account incurred in the said public hospital, unless the board of health award that he or she shall be exonerated or exempted therefrom.

Where patient is liable for expense.

Sect. 16. *And be it further enacted by the authority aforesaid,* That whenever the said board of health shall receive information that any contagious disease rages in any port or place within the United States or on the continent of America, they shall make diligent enquiry concerning the same, and it shall and may be lawful for the said board to prohibit and to prevent all communication by land and water with such infected ports or places, by stopping all vessels coming into the port of Philadelphia, and at and before the Lazaretto in the same manner and under the same penalties and forfeitures as are hereby provided in case of vessels coming from foreign ports, and by stopping all persons coming from such infected places in such manner as the circumstances and exigencies of the case shall require ; and the said board of health are hereby authorised and required, whenever a fever of a contagious nature shall appear in any part of the city of Philadelphia, the district of Southwark, or the township of the Northern Liberties, or Moyamensing, to adopt without delay such prompt measures, as will effectually prevent all communication between the part or parts so infected and any other part of the city, district, or townships and all judges, justices, sheriffs, constables, and other civil officers and citizens of this state are hereby authorized and empowered, enjoined and required to aid and assist the said board and their officers, to the utmost in their power, in carrying

Contagion in other places guarded against ;

by land and by water.

Disease in city or liberties, communication with may be cut off

into effect such rules, orders and regulations, touching the stoppage of such intercourse, or the removal of the infected, as the board shall order and publish.

Houses
may be
examined

Sect. 17. *And be it further enacted by the authority aforesaid,* That whenever by means aforesaid, or by the report of the hospital physician, or any other physician appointed by the board of health (whom the said board are hereby authorized to send to places or houses suspected to be infected) it shall come to the knowledge of the said board, that any person within the city of Philadelphia, the district of Southwark, the townships of the Northern Liberties, or Moyamensing, is afflicted with any contagious disease dangerous to the community, it shall and may be lawful for the said board to take orders for preventing the spreading of the contagion, by forbidding and preventing all communication with the infected house or family, except by means of physicians, nurses or messengers, to convey the necessary advice, medicines and provisions to the afflicted, and shall exercise all such other powers as the circumstances of the case shall require, and as shall in their judgment be most conducive to the public good, with the least private injury.

Opposing
or resist-
ing board,
punish-
able.

Sect. 18. *And be it further enacted by the authority aforesaid,* That if any person shall obstruct or resist the board of health, or any of the members thereof, or any person by them appointed, in the execution of the powers to them given, or in performance of duties enjoined on them by this act, and the rules and regulations of the said board, such person shall, on being thereof legally convicted, shall forfeit and pay a sum not exceeding five hundred

Penalty.

dollars, to be recovered and appropriated as is

herein after directed ; and if after the expiration of the quarantine, any mariner, or other person, who shall have complied with the regulations hereby established, shall commit any violence on the person of a member of the board of health, or any of the officers attached to the same, for any thing done in the execution of his duty, such person shall be subject on conviction thereof to a fine of two hundred dollars, and shall also be sentenced to imprisonment at hard labor for any term not exceeding three years. Penalty.

Sect. 19. *And be it further enacted by the authority aforesaid,* That for payment and satisfaction of all forfeitures and penalties which are imposed by this act, and all sums of money directed by this act to be paid, it shall be the duty of the health officer to sue and prosecute, and the same to collect, recover and receive ; and the same shall be recoverable before any alderman, justice of the peace, or court of justice, having lawful jurisdiction, to the amount of such forfeitures, penalties and sums of money respectively, or in the case, or upon the offence upon which the proceeding shall be had, and the same when recovered and received, shall be appropriated, and shall ensure to the use of the institution, under the management and direction of the board of health. And no citizen or inhabitant of the city of Philadelphia, the district of Southwark, or the townships of the Northern Liberties, or Moyamensing, shall be disqualified from sitting as judges, or jurors, or from giving testimony respecting any of the offences mentioned in this act, by reason of his, her or their common interest in the appropriation of the sum or penalties imposed for such offence, nor shall any member of the board of

Penalties
how re-
coverable

health, or any officer intrusted with the execution of this act, or any part thereof, be disqualified from giving testimony respecting any of the said offences.

General
issue may
be plead-
ed. Sect. 20. *And be it further enacted by the autho-
rity aforesaid,* That all actions or prosecutions to be commenced against any master, captain, owner, or consignee of any ship or vessel, or other person by virtue of this act, shall be brought within twelve months next after the commission of the offence wherewith he is charged, and if any action or suit shall be commenced against any person or persons, for any matter or thing committed in violation of this act, the defendant or defendants may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon.

Putrid
substan-
ces and
other nu-
isances to
be remo-
ved. Sect. 21. *And be it further enacted by the autho-
rity aforesaid,* That it shall be the duty of the said board of health, to cause all offensive or putrid substances, and all nuisances which may have a tendency, in their opinion, to endanger the health of the citizens, to be removed from the streets, lanes, alleys, highways, wharves, docks, or any other part or parts of the city of Philadelphia, the district of Southwark, and the townships of the Northern Liberties and Moyamensing, and to cause such of the privies within the limits aforesaid, to be emptied or corrected with lime or otherwise, at the expense of the individuals, who are owners of the houses to which the said privies are appurtenant, as the said board shall from time time deem necessary for the health of the inhabitants thereof, and if the owners or occupiers of the premises on which

any nuisance may be found, shall, on due notice thereof be given, refuse or neglect to have the same immediately removed as aforesaid, he, she, or they so refusing or neglecting, shall forfeit and pay for such offence, any sum not less than twenty nor more than two hundred dollars, to be recovered and appropriated as by this act directed. Penalty:

Sect. 22. *And be it further enacted by the authority aforesaid,* That for defraying the expenses to be incurred in erecting and supporting the said Lazaretto, and for carrying into complete effect the other provisions contained in this act, the said board of health are hereby authorised and empowered, by and with the consent of the mayor or recorder, two aldermen and two justices as aforesaid, to levy and collect, by tax on the estates and inhabitants of the city of Philadelphia, the district of Southwark, and townships of the Northern Liberties and Moyamensing, in the same manner, at the same rates, and under the same regulations as the county rates and levies are or may be by law levied and collected, such sums annually as the said board, by and with the consent of the mayor or recorder, two aldermen and two justices as aforesaid, shall deem necessary for the use of the said institution : Expenses to be defrayed by a tax.
Provided, the same does not exceed the sum of forty thousand dollars, and the said board of health are hereby authorised and empowered to borrow, upon the credit of the taxes aforesaid, such sum or sums of money as may be thought necessary for the benefit of the said institution Tax limited to 40,000 dollars ; may be borrowed.

Sect. 23. *And be it further enacted by the authority aforesaid,* That any time between the fifteenth

Board to
account
annually
to gover-
nor.

and twenty-fifth days of December yearly, and every year hereafter, the board of health shall report to the governor, the amount of taxes which may be levied, the monies received and the monies expended in pursuance of this act, and generally an exact and circumstantial account of the institution, and shall publish the same in one or more newspapers printed in the city of Philadelphia.

Pilots
how to be
treated.

Sect. 24. *And be it further enacted by the authority aforesaid,* That no pilot, bringing a ship or vessel to the Lazaretto, in an apparent state of good health, shall be obliged to perform quarantine, but the Lazaretto physician shall grant such pilot a certificate, permitting him to proceed to the Cape of Delaware, in order that he may prosecute his profession, but such pilot shall not on any pretence come into the city of Philadelphia, the Northern Liberties, the district of Southwark, or township of Moyamensing, for thirty days from the date of such certificate, under the penalty of one hundred dollars, and also of one year imprisonment, which penalty shall be recovered and applied in the manner herein before directed, and any pilot bringing to the said Lazaretto, a ship or vessel infected or supposed to be infected with any pestilential or contagious disease, may be permitted to go and remain on shore, within the bounds of the Lazaretto, during the time the ship or vessel brought thither, shall be detained under quarantine: *Provided always,* That if the said vessel shall be infected with any such disease as aforesaid, he shall be detained and treated in like manner as seamen or passengers so infected, are herein directed to be detained and treated: *And provided further,* That if he shall go

without the bounds of the Lazaretto, he shall be liable to the same penalties as are by this act imposed on seamen or passengers escaping therefrom.

Sect. 25. *And be it further enacted by the authority aforesaid,* That this act shall continue in force for three years, and from thence to the end of the next session of the general assembly, and no longer.

Act to be
in force 3
years.

SIMON SNYDER,

Speaker of the House of Representatives.

ROBT. WHITEHILL,

Speaker of the Senate.

APPROVED *The first day of April, in the year of our Lord eighteen hundred and three.*

THOMAS M'KEAN.

Governor of the Commonwealth of Pennsylvania.

Joseph Conperthwaite

Book December 2nd 1889



